

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 KYLE RACKLIFF,

10 Plaintiff,

11 v.

12 KING COUNTY SUPERIOR COURT, *et al.*,

13 Defendants.  
14

CASE NO. C19-0106-JCC

MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.  
16 Coughenour, United States District Judge:

17 This matter comes before the Court *sua sponte*. On January 24, 2019, United States  
18 Magistrate Judge Brian Tsuchida granted Plaintiff's motion to proceed *in forma pauperis* and  
19 recommended that the complaint be reviewed under 28 U.S.C. § 1915(e)(2)(B) prior to the  
20 issuance of a summons. (Dkt. No. 2.)

21 Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss an *in forma pauperis*  
22 complaint at any time if the action fails to state a claim, raises frivolous or malicious claims, or  
23 seeks monetary relief from a defendant who is immune from such relief. Federal Rule of Civil  
24 Procedure 8 provides that in order to state a claim for relief, a pleading must contain "a short and  
25 plain statement of the grounds for the court's jurisdiction" and "a short and plain statement of the  
26 claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(1), (2). Conclusory

1 allegations of law and unwarranted factual inferences are not sufficient to state a claim. *Vasquez*  
2 *v. L.A. Cty.*, 487 F.3d 1246, 1249 (9th Cir. 2007). Dismissal is appropriate if a complaint fails to  
3 put forth “a cognizable legal theory.” *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th  
4 Cir. 1988).

5 Plaintiff’s complaint does not contain grounds showing that he is entitled to relief. (*See*  
6 Dkt. No. 1-1.) Plaintiff names King County Superior Court and King County Superior Court  
7 Judge Julie Spector as Defendants in his complaint. (*Id.* at 2.) He alleges that Judge Spector and  
8 other King County Superior Court judges have given him “numerous issues” with his recent  
9 cases, including “[n]eglect, [d]uress, [p]rejudice.” (*Id.* at 7.) His complaint appears to allege that  
10 one judge forced him to dismiss his case and Judge Spector made some sort of date selection  
11 difficult for Plaintiff. (*Id.*) He also alleges that he has been falsely arrested, accused, charged, and  
12 detained. (*Id.* at 8.)

13 It is well established that judges are absolutely immune from liability for acts “done by  
14 them in the exercise of their judicial functions.” *Miller v. Davis*, 521 F.3d 1142, 1145 (9th Cir.  
15 2008) (quoting *Bradley v. Fisher*, 80 U.S. 335, 347 (1871)). As the Ninth Circuit has reiterated, a  
16 judge remains immune from suit even if the action she took was in error, done maliciously, or in  
17 excess of her authority. *Sadoski v. Mosley*, 435 F.3d 1076, 1079 (9th Cir. 2006). The exception,  
18 of course, is that judicial immunity does not extend to acts taken in the “clear absence of all  
19 jurisdiction.” *Stump v. Sparkman*, 435 U.S. 349, 356–57 (1978). Plaintiff’s claims against Judge  
20 Spector are barred by judicial immunity. All of the actions Plaintiff alleges that Judge Spector  
21 took were in the exercise of her judicial function and Plaintiff does not allege that Judge Spector  
22 took action in the clear absence of all jurisdiction. (*See* Dkt. No. 1-1.) Therefore, as pled,  
23 Plaintiff’s claims against Judge Spector are not cognizable.

24 Additionally, Plaintiff’s claims against Defendant King County Superior Court as an  
25 entity (and its employees) are barred by the Eleventh Amendment. As the Ninth Circuit has  
26 explained, “[f]ederal courts are without jurisdiction to entertain suits seeking civil damages

1 against a state.” *Prod. & Leasing, Ltd. v. Hotel Conquistador, Inc.*, 709 F.2d 21, 21 (9th Cir.  
2 1983) (per curiam). Applying that rule to county courts, the Ninth Circuit has further explained  
3 that such courts are “arms of the state for Eleventh Amendment purposes.” *See Simmons v.*  
4 *Sacramento Cty. Super. Ct.*, 318 F.3d 1156, 1161 (9th Cir. 2003); *Penry v. Thurston Cty.*, 89 F.  
5 App’x 619, 620 (9th Cir. 2004) (“The Thurston County [Washington] Superior Court is entitled  
6 to Eleventh Amendment immunity as an arm of the state.”). Because the King County Superior  
7 Court is an arm of the state, Plaintiff’s claims against King County Superior Court are not  
8 cognizable.

9 Although the Court finds that the complaint fails to state a claim upon which relief can be  
10 granted, it will not dismiss a claim unless “it is absolutely clear that no amendment can cure the  
11 [complaint’s] defect[s].” *Lucas v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). Accordingly,  
12 the Court ORDERS that Plaintiff file an amended complaint no later than 21 days from the date  
13 of this order. In his amended complaint, Plaintiff must allege how Defendants are liable for the  
14 underlying conduct, considering judicial immunity and the Eleventh Amendment. The Clerk is  
15 DIRECTED to mail a copy of this order to Plaintiff at 10008 28th Ave. SW, Seattle, WA 98136.  
16 The Clerk is DIRECTED to re-note Plaintiff’s motion to appoint counsel (Dkt. No. 4) to  
17 February 26, 2019.

18 DATED this 5th day of February 2019.

19 William M. McCool  
20 Clerk of Court

21 s/Tomas Hernandez  
22 Deputy Clerk  
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